

AMENDED IN ASSEMBLY JUNE 2, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Concurrent Resolution

No. 129

Introduced by Assembly Member Monning

February 18, 2010

Assembly Concurrent Resolution No. 129—Relative to international treaties.

LEGISLATIVE COUNSEL’S DIGEST

ACR 129, as amended, Monning. International treaties: reports.

The measure would request the Attorney General to publicize—3 specified international treaties *and protocols* to cities, counties, and state agencies, and to prepare templates for cities, counties, and state agencies to use to create reports pertaining to those treaties *and protocols*.

Fiscal committee: yes.

1 WHEREAS, California is a coastal state populated by many
2 native people and immigrants from all nations that has long
3 recognized its role in the United States and in the global
4 community; and
5 *WHEREAS, The state is required to fulfil and implement its*
6 *reporting obligations under international treaties and domestic*
7 *laws; and*
8 WHEREAS, The City and County of San Francisco was proud
9 to serve as the site for the founding of the United Nations and the
10 United Nations Charter, which was ~~ratified~~ *agreed to* by the United
11 States ~~Senate~~ in 1945; and

1 WHEREAS, In 1992, the United States ~~Senate ratified~~ *agreed*
2 *to* the International Covenant on Civil and Political Rights
3 (ICCPR), a treaty that includes many of the rights set forth in the
4 United States Bill of Rights and in the Universal Declaration of
5 Human Rights, in which the United States made commitments to
6 (1) publicize the text of the treaty throughout its states and
7 territories, and (2) make reports every five years to the ~~United~~
8 ~~Nations Human Rights Committee administering of the United~~
9 *Nations that administers* the ICCPR, including reports at the
10 federal, state, and local levels; and

11 WHEREAS, In 1994, the United States ~~Senate ratified~~ *agreed*
12 *to* the International Convention Against Torture and Other Cruel,
13 Inhuman or Degrading Treatment or Punishment (ICAT), a treaty
14 including some of the provisions in the Eighth Amendment to the
15 United States Constitution, in which the United States made
16 commitments to (1) publicize the text of the treaty throughout its
17 states and territories, and (2) make reports every four years to the
18 United Nations Committee Against Torture (CAT) administering
19 the ICAT, including reports at the federal, state, and local levels;
20 and

21 WHEREAS, In 1994, the United States ~~Senate ratified~~ *agreed*
22 *to* the International Convention on the Elimination of All Forms
23 of Racial Discrimination (ICERD), a treaty including provisions
24 of the 13th, 14th, 15th, and 24th Amendments to the United States
25 Constitution, in which the United States made commitments to (1)
26 publicize the text of the treaty throughout its states and territories,
27 and (2) make reports every two years to the United Nations
28 Committee on Elimination of Racial Discrimination (CERD),
29 including reports at the federal, state, and local levels; and

30 WHEREAS, *In 2002, the United States agreed to optional*
31 *protocols to the United Nations Convention on the Rights of the*
32 *Child (CRC)—the Optional Protocol on the Involvement of*
33 *Children in Armed Conflict and the Optional Protocol on the Sale*
34 *of Children, Child Prostitution and Child Pornography (CRC*
35 *Optional Protocols), protocols that include some of the provisions*
36 *of the United States military and pornography law—in which the*
37 *United States made commitments to (1) publicize the text of the*
38 *protocols throughout its states and territories, and (2) make reports*
39 *every five years to the United Nations Committee on the Rights of*

1 *the Child (CRC) administering the Protocols, including reports*
2 *at the federal, state, and local levels; and*

3 WHEREAS, To date, California has not received a formal notice
4 from the United States Department of State that reports are due
5 under these treaties *and protocols* and has failed to make any
6 required report to any of the ~~three~~ *four* United Nations committees;
7 and

8 WHEREAS, On January 20, 2010, the Legal Adviser to the
9 United States Department of State issued an unclassified
10 Memorandum for State Governors on United States Human Rights
11 Treaty Reports stating that “we would appreciate your forwarding
12 this communication to your Attorney General’s office, and to the
13 departments and offices that deal with human rights, civil rights,
14 housing, employment and related issues in your administration”;
15 and

16 WHEREAS, In 1994, the City of Berkeley, informed of the
17 treaties by its Peace and Justice Commission, submitted its initial
18 local reports *to the United States Department of State for inclusion*
19 *in its report, and directly* to the Human Rights Committee, and in
20 2006 and 2007, submitted its local reports to the CERD and CAT
21 under city council resolutions; and

22 WHEREAS, City officials in Berkeley ~~have~~ found that these
23 submissions heightened awareness among city officials and staff
24 of the significance of their enforcing human rights; and

25 WHEREAS, The members of the three United Nations
26 committees recently used information from unofficial reports by
27 nongovernmental organizations in their discussions of the official
28 United States reports, and specifically stated in their Concluding
29 Observations that they expect to receive information at the local
30 level in all future United States reports; and

31 WHEREAS, All of the facts and statistics needed to make the
32 reports to the ~~three~~ *four* United Nations committees are available
33 in reports already prepared by the state for other purposes; and

34 WHEREAS, California can become the first state in the nation
35 to prepare and file the reports *and protocols* required under these
36 three treaties by obtaining information from all cities and counties
37 and from state agencies; and

38 WHEREAS, The next reports from the United States are due to
39 the Human Rights Committee of the United Nations on August-8
40 1, 2010, to the CERD Committee on November 20, 2011, ~~and~~ to

1 the CAT Committee on November 19, 2011, *and to the CRC*
 2 *Committee in 2015*; now, therefore, be it
 3 *Resolved by the Assembly of the State of California, the Senate*
 4 *thereof concurring* That the Legislature of the State of California
 5 hereby requests the Attorney General to (1) publicize the text of
 6 the three treaties *and two protocols* among all city, county, and
 7 state agencies, and (2) prepare templates for use by cities, counties,
 8 and state agencies on which to make concise, complete, and
 9 accurate reports that the state can merge and submit in its reports
 10 to the ~~three~~ *four* United Nations committees; and be it further
 11 *Resolved*, That the Chief Clerk of the Assembly transmit copies
 12 of this resolution to the Attorney General, President and Vice
 13 President of the United States, the Speaker of the House of
 14 Representatives, the Majority Leader of the Senate, to each Senator
 15 and Representative from California in the Congress of the United
 16 States, *the Legal Advisor to the United States Department of State,*
 17 *the United Nations High Commissioner for Human Rights, the*
 18 *Chair of the Human Rights Committee of the United Nations, the*
 19 *Chair of the Committee Against Torture of the United Nations,*
 20 ~~and to the Chair of the Committee on Elimination of Racial~~
 21 ~~Discrimination in Geneva of the United Nations, and the Chair of~~
 22 *the Committee on the Rights of the Child of the United Nations.*

23
 24
 25 CORRECTIONS: _____
 26 Text—Page 3.
 27 _____

O